

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA

*

*

V.

* CRIMINAL NO. W-14-CR-034

*

GILBERT MIKE MELENDEZ

*

FACTUAL BASIS

Had this case proceeded to trial, the United States Attorney for the Western District of Texas was prepared to prove and would prove that:

On or about February 5, 2014, in the Western District of Texas, the Defendant,

GILBERT MIKE MELENDEZ,

unlawfully, knowingly, and intentionally did possess with intent to distribute a controlled substance, which offense involved at least 50 grams of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Specifically, the United States Attorney would prove beyond a reasonable doubt that:

On February 5, 2014, Waco Police Department executed a search warrant on a vehicle and residence in Waco, which is located within the Waco Division of the Western District of Texas. The target of the warrant was **GILBERT MIKE MELENDEZ**. Law enforcement stopped the vehicle, a 1997 GMC pickup, in the area of 27th and Grim in Waco. **MELENDEZ** was the driver and sole occupant of the vehicle. **MELENDEZ** was Mirandized prior to any questioning by law enforcement. After acknowledging his legal rights, he agreed to speak to the police. He told Investigator Darryl Moore that he had between 7 to 8 ounces of “ice” in the truck

and directed them as to its location. They also located scales, plastic baggies and a .380 automatic firearm with three (3) rounds, one in the chamber and two in the clip. The statement by **MELENDEZ** was recorded by Investigator Moore.

During the execution of the search warrant at the residence, officers located a small quantity of methamphetamine and other paraphernalia indicating drug trafficking. In total, there were approximately 40 individual baggies of methamphetamine seized. Investigation revealed that **MELENDEZ** is on parole until 2022.

The substances were submitted to the DPS Lab, where they did test positive for the presence of methamphetamine, with a net weight of approximately 200 grams. In the training and experience of Investigator Moore, the amount of methamphetamine possessed is an amount for distribution, not for personal use.

Respectfully submitted,

ROBERT PITMAN
United States Attorney

/s/ *Stephanie Smith-Burris*

By: STEPHANIE SMITH-BURRIS
Assistant United States Attorney